

COMMUNICATION FROM HON. R. EMMETT MORSE

The Chair laid before the House, and had read, the following communication:

E. R. Lindley, Chief Clerk, House of Representatives.

During my absence from the House of Representatives on Monday, March 20, I hereby designate the Hon. W. O. Reed to preside in my absence.

R. EMMETT MORSE.

LEAVES OF ABSENCE GRANTED

On motion of Mr. Alsup, by unanimous consent, all Members who were absent on today, were granted leaves of absence for the purpose of attending the funeral services of Hon. J. J. Olsen.

ADJOURNMENT

Mr. Wood moved that the House adjourn until 10:00 o'clock a. m., tomorrow, out of respect to the memory of Hon. J. J. Olsen, and that upon adjournment the Sergeant-at-Arms be instructed to clear the House and gallery and that the doors of the Hall of the House be closed until 1:00 o'clock p. m., today.

The motion prevailed and the House accordingly, at 10:02 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

FORTY-FIRST DAY

(Tuesday, March 21, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Boyd
Allen	Boyer
Allison	Bradbury
Alsup	Bradford
Anderson	Bray
Bailey	Bridgers
Baker	Broadfoot
of Fort Bend	Brown of Cherokee
Baker of Grayson	Brown
Bell	of Nacogdoches
Blankenship	Bundy
Bond	Burkett

Burney	Lock
Cauthorn	Loggins
Celaya	London
Chambers	Mays
Clark	McAlister
Cleveland	McDaniel
Cockrell	McDonald
Coleman	McFarland
Colquitt	McMurry
Colson, Mrs.	McNamara
Cornett	Mohrmann
Corry	Monkhouse
Crossley	Montgomery
Daniel	Morris
Davis of Jasper	Newell
Davis of Upshur	Nicholson
Dean	Oliver
Derden	Pace
Dickison	Petsch
Dickson	Pevehouse
Donaghey	Piner
Dowell	Pope
Dwyer	Ragsdale
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Fuchs	Rhodes
Galbreath	Riviere
Gilmer	Roach
Goodman	Roberts
Gordon, Mrs.	Robinson
Hale	Russell
Hamilton	Schuenemann
Hankamer	Segrist
Hardeman	Shell
Hardin	Skiles
Harp	Smith of Frio
Harper	Smith of Hopkins
Harrell of Bastrop	Smith
Harrell of Lamar	of Matagorda
Harris	Spencer
Hartzog	Stinson
Heflin	Stoll
Holland	Talbert
Howard	Tarwater
Howington	Taylor
Hull	Tennant
Hunt	Thornton
Isaacks	Turner
Johnson of Ellis	Vale
Johnson of Tarrant	Vint
Kennedy	Voigt
Kern	Waggoner
Kerr	Weldon
Kersey	Wells
Kinard	Westbrook
King	White
Langdon	Wilson
Lehman	Winfree
Leonard	Wood
Leyendecker	Worley
Little	Wright

Absent—Excused

Keith

Thornberry

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, we praise Thee this morning for life and its renewed opportunities for service. Help us to think soberly and righteously concerning our challenging tasks, and to work together as Thou shalt give us light upon our way. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Keith for today, on motion of Mr. Kennedy.

The following Member was granted leave of absence on account of illness:

Mr. Thornberry for today, on motion of Mr. Morris.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Burkett:

H. B. No. 881, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 1-A in Callahan County, Texas, under Article III, Section 52, of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in an-

other road district having outstanding bonds shall not affect the district hereby created or its powers hereby granted; determining that all of the lands in said district will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Burkett:

H. B. No. 882, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 2 in Callahan County, Texas, under Article III, Section 52, of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in another road district having outstanding bonds shall not affect the district hereby created or its powers hereby granted; determining that all of the lands in said district shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; repealing House Bill No. 349, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Robinson:

H. B. No. 883, A bill to be entitled "An Act to amend Article 6704 of the Revised Civil Statutes of Texas by adding thereto a new subdivision to be known as subdivision 4, permitting, empowering and authorizing the Commissioners' Court of any county containing a population of not less than five thousand, six hundred ninety (5,690) nor more than five thousand, seven hundred fifty (5,750), according to the last preceding Federal Census, to construct cattle guards on any or all of the first class, second class, or third class roads within their respective counties in accordance with plans and specifications prepared and approved by the Commissioners' Court of said County, and further permitting, authorizing and empowering said Commissioners' Court to construct said cattle guards on any such roads and pay therefor out of the road and bridge funds of said County and making it a penal offense for anyone to construct any cattle guard on such roads not in accordance with said approved plans and specifications as prepared and approved by said Commissioners' Court; providing a suitable penalty therefor, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Harper:

H. B. No. 877, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and fifty (10,350), and not more than ten thousand, three hundred and eighty (10,380), according to the last preceding Federal Census; providing for the payment of such salary from the Available School Fund of such county; providing for office and traveling expenses to be paid out of the Available School Fund; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Tennant:

H. B. No. 878, A bill to be entitled "An Act to amend Section 1, of Senate Bill No. 94, Second Called Session of the Thirty-eighth Legislature, Chapter 7, Special Laws of 1923."

Referred to the Committee on School Districts.

Mr. Petsch asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 879.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Petsch:

H. B. No. 879, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey and transfer all right, title and interest of whatsoever class, kind or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is located in the City of Blanco, Blanco County, Texas, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

Mr. Bell asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 880.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Bell:

H. B. No. 880, A bill to be entitled "An Act to amend Article 2526 of the Revised Civil Statutes of 1925, as amended, Acts, 1927, Fortieth Legislature, First Called Session, page 161, Chapter 57, as amended, Acts, 1937, Forty-fifth Legislature, Senate Bill No. 240."

Referred to the Committee on Banks and Banking.

Mr. Felty asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 884.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Felty:

H. B. No. 884, A bill to be entitled "An Act declaring the Collared Peccary or Javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of

any Peccary or part of such animal; providing a suitable penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Wood asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bills Nos. 885 and 886.

There was no objection offered.

The Speaker then laid the bills before the House, they were read first time, and referred to the appropriate committee, as follows:

By Mr. Wood:

H. B. No. 885, A bill to be entitled "An Act authorizing County Commissioners' Courts and the City Commission of any incorporated town to lease or rent office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas and water; to pay for such leases, rentals and utilities out of the General Fund when in the opinion of a majority of the Commissioners' Court such is essential to the proper administration of such agencies of either the State or Federal Governments; providing for the validation of all actions, proceedings, orders and contract for such rentals, leases or utility bills heretofore made by any Commissioners' Court; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Wood:

H. B. No. 886, A bill to be entitled "An Act providing that County Commissioners' Courts and the municipal government of any incorporated city, town or village, may appoint, employ and pay case workers and investigators to make investigations of needy persons to whom may be supplied necessities, furnished by the Texas Relief Commission, any proper Federal Agency, or by counties or cities or by any one of said agencies, city, commission, city or county; providing that in no case shall there be employed more than one case worker or investi-

gator to every one hundred thousand (100,000) inhabitants of each county in this State; providing that County Commissioners' Courts in this State in conjunction with municipalities and governments of any incorporated city, town or village may enter into an agreement to jointly appoint, employ and pay the salary of case workers or investigators to make investigations of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission or any proper Federal Agency or by counties or cities, or by any one of said agencies, commissions, cities or counties in such proportionate parts as may be agreed upon by the said Commissioners' Court of any county and any municipal government situated in said County; providing compensation for such case worker so employed and appointed may not exceed Eighteen Hundred (\$1,800.00) Dollars per annum; providing the duties of such case workers and investigators; providing that the employment, appointment and paying of such case worker shall be discretionary with the Commissioners' Courts of any county in this State; declaring an emergency."

Referred to the Committee on Counties.

Mr. Hartzog asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 887.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hartzog, Mr. Smith of Frio, Mr. Little and Mr. Celaya:

H. B. No. 887, A bill to be entitled "An Act amending Article 7105, Chapter 4, Title 122, of the Revised Civil Statutes of 1925 as amended by House Bill No. 154, Chapter 162, Section 12, page 416 of the Acts of the Forty-third Legislature, Regular Session, 1933, placing airplane carriers under the intangible assets laws of this State; providing mode and manner of collecting the intangible assets tax; placing the administration of said Act in the State Tax Board as provided in Chapter 4, Title 122, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

Mr. Leonard asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 888.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Leonard:

H. B. No. 888, A bill to be entitled "An Act defining coloring matter and its composition, manufacture, sale and use in connection with citrus fruit; providing for the analysis of such coloring matter by the Commissioner of Agriculture and for the licensing of the manufacturers thereof; prescribing the form and amount of bond to be given by such manufacturers; prohibiting the use of harmful coloring matter on citrus fruit; prescribing the maturity of fruit to which such coloring matter is applied; authorizing the Commissioner of Agriculture to issue rules and regulations pursuant to such Act; providing for the enforcement thereof by the Chief of Maturity Division and other agents of the Commissioner of Agriculture and fixing compensation of such Chief for so doing; providing for the inspection of citrus treated with coloring matter and assessing the cost of enforcing the Act against such fruit so treated; providing for the branding of fruit treated with coloring matter and containers in which it is shipped and prohibiting the application of unauthorized coloring matter to citrus fruit; declaring citrus which does not comply with the Act to be dangerous to public health and a public nuisance; providing penalties for violation of the Act, and declaring an emergency."

Referred to the Committee on Agriculture.

ADDITIONAL SIGNERS OF BILL AND RESOLUTION

Mr. Newell was authorized to sign House Bill No. 347, as co-author of same.

Mr. Smith of Frio was authorized to sign House Joint Resolution No. 1, as co-author of same.

RELATIVE TO HOUSE BILL NO. 872

On motion of Mr. Harper, and by unanimous consent of the House, the

caption of House Bill No. 872 was ordered amended to conform to all changes and with the body of the bill.

RELATIVE TO HOUSE BILL NO. 863

On motion of Mr. Alsup, and by unanimous consent of the House, the caption of House Bill No. 863 was ordered amended to conform to all changes and with the body of the bill.

BILLS RECOMMITTED

Mr. Clark moved that House Bill No. 347 be recommitted to the Committee on Judicial Districts.

The motion prevailed.

Mr. Hankamer moved that House Bill No. 302 be recommitted to the Committee on State Affairs.

Mr. Anderson moved to table the motion to recommit.

The motion to table was lost.

Question then recurring on the motion by Mr. Hankamer, it prevailed.

MOTION TO PRINT HOUSE BILL NO. 13 ON MINORITY REPORT

Mr. Mays moved that House Bill No. 13, reported adversely, with a minority favorable report, be printed.

Mr. Morris moved to table the motion by Mr. Mays.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—82

Allen	Donaghey
Anderson	Dowell
Bailey	Dwyer
Baker of Grayson	Faulkner
Bell	Felty
Blankenship	Fuchs
Bond	Gordon, Mrs.
Boyd	Hale
Bray	Hamilton
Bridgers	Hankamer
Broadfoot	Hardin
Bundy	Harper
Chambers	Harrell of Lamar
Cleveland	Hartzog
Colquitt	Holland
Corry	Howard
Daniel	Johnson of Ellis
Davis of Jasper	Kennedy
Dean	Kerr
Derden	Kinard
Dickison	Langdon
Dickson	Lehman

Leyendecker	Russell
McAlister	Segrist
McDaniel	Skiles
McDonald	Smith
McFarland	of Matagorda
McNamara	Stinson
Morris	Stoll
Nicholson	Taylor
Oliver	Tennant
Pace	Thornton
Pevehouse	Turner
Reader of Bexar	Vint
Reader of Erath	Voigt
Reaves	Waggoner
Reed	Wells
Rhodes	White
Riviere	Wilson
Roach	Winfree
Roberts	Wood
Robinson	

Nays—57

Allison	Howington
Alsup	Hull
Baker	Hunt
of Fort Bend	Isaacks
Boyer	Johnson of Tarrant
Bradbury	Kersey
Bradford	King
Brown of Cherokee	Leonard
Brown	Little
of Nacogdoches	Loggins
Burkett	London
Burney	Mays
Cauthorn	Mohrmann
Celaya	Monkhouse
Clark	Montgomery
Cockrell	Newell
Coleman	Petsch
Colson, Mrs.	Pope
Cornett	Ragsdale
Crossley	Smith of Frio
Davis of Upshur	Smith of Hopkins
Ferguson	Spencer
Fielden	Talbert
Galbreath	Tarwater
Gilmer	Vale
Goodman	Weldon
Hardeman	Westbrook
Harp	Worley
Harrell of Bastrop	Wright
Harris	

Present—Not Voting

Kern	Lock
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Absent

Heflin	Schuenemann
McMurry	Shell
Piner	

Absent—Excused

Keith	Thornberry
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PAIRED

Mr. Lock (present), who would vote "nay", with Mr. Thornberry (absent), who would vote "yea".

Mr. Kern (present), who would vote "nay", with Mr. Keith (absent), who would vote "yea".

BILL RE-REFERRED

Mr. Galbreath moved that House Bill No. 126 be withdrawn from the Committee on Livestock and Stock Raising, and referred to the Committee on State Eleemosynary and Reformatory Institutions.

The motion prevailed.

HOUSE BILL NO. 474 WITH SENATE AMENDMENTS

Mr. Davis of Upshur called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 474, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in counties having a population of not less than twenty-two thousand, one hundred (22,100) nor more than twenty-two thousand, six hundred (22,600), according to the last preceding Federal Census, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Davis of Upshur moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

RELATIVE TO HOUSE BILL NO. 812

Mr. Pope asked unanimous consent of the House, to permit the Engrossing Clerk to strike out the words "or any subsequent Federal Census" wherever they occur in the body or caption of House Bill No. 812.

There was no objection offered, and it was so ordered.

On motion of Mr. Pope, and by unanimous consent of the House, the caption of House Bill No. 812 was ordered amended to conform to all changes and with the body of the bill.

RELATIVE TO HOUSE BILL NO. 768

Mr. Hardeman asked unanimous consent of the House, that the Engrossing Clerk be instructed to make corrections in the emergency clause of House Bill No. 768.

There was no objection offered, and it was so ordered.

RELATIVE TO HOUSE BILL NO. 600

Mr. White asked unanimous consent of the House, that the Engrossing Clerk be instructed to correct House Bill No. 600, by inserting the word "may" before the word "continue" wherever necessary in said bill.

There was no objection offered, and it was so ordered.

By unanimous consent of the House, an emergency clause was ordered added to House Bill No. 600.

MOTION TO RECOMMITT HOUSE JOINT RESOLUTION NO. 16

Mr. Derden moved that House Joint Resolution No. 16 be recommitted to the Committee on Constitutional Amendments.

(Pending consideration of the motion by Mr. Derden, Mr. Petsch occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Hardin moved to table the motion to recommit.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—103

Allison	Cleveland
Alsup	Cockrell
Bailey	Colquitt
Blankenship	Colson, Mrs.
Bond	Corry
Boyer	Crossley
Bradbury	Daniel
Bradford	Davis of Jasper
Bray	Davis of Upshur
Broadfoot	Dean
Brown of Cherokee	Dickson
Bundy	Donaghey
Burkett	Dwyer
Burney	Faulkner
Cauthorn	Felty
Celaya	Fielden
Chambers	Fuchs
Clark	Gilmer

Goodman	Monkhouse
Gordon, Mrs.	Nicholson
Hale	Oliver
Hamilton	Pace
Hankamer	Petsch
Hardin	Pevehouse
Harp	Reed
Harper	Rhodes
Harrell of Lamar	Riviere
Harris	Roach
Hartzog	Roberts
Heflin	Robinson
Holland	Russell
Howard	Segrist
Howington	Shell
Hull	Skiles
Hunt	Smith of Hopkins
Johnson of Ellis	Spencer
Johnson of Tarrant	Stinson
Kennedy	Stoll
Kersey	Taylor
Kinard	Tennant
King	Thornton
Lehman	Turner
Leonard	Vale
Leyendecker	Voigt
Loggins	Westbrook
London	White
Mays	Wilson
McAlister	Winfree
McDaniel	Wood
McDonald	Worley
McFarland	Wright
McMurry	

Nays—38

Allen	Kerr
Anderson	Langdon
Baker	Lock
of Fort Bend	McNamara
Baker of Grayson	Mohrmann
Bell	Montgomery
Boyd	Morris
Bridgers	Newell
Brown	Piner
of Nacogdoches	Ragsdale
Coleman	Reader of Bexar
Cornett	Reader of Erath
Derden	Smith of Frio
Dickison	Smith
Dowell	of Matagorda
Ferguson	Talbert
Galbreath	Tarwater
Hardeman	Vint
Harrell of Bastrop	Weldon
Isaacks	Wells
Kern	

Absent

Little	Schuenemann
Pope	Waggoner
Reaves	

Absent—Excused

Keith

Thornberry

REASONS FOR VOTE

I voted "no" on Mr. Hardin's motion to table the motion by Mr. Derden to recommit House Joint Resolution No. 16, for the reason that if this resolution is recommitted we can then order the Committee to bring out a bill to raise money for social purposes now. The passage of this constitutional amendment will mean a needless delay of at least four months, when we have the authority to pass a bill and begin raising money upon its immediate passage and Governor's signature.

KERN.

I voted "aye" on the motion to table the motion to recommit House Joint Resolution No. 16 (revenue amendment) because this would mean undue delay.

SPENCER.

I voted to recommit House Joint Resolution No. 16 to the Committee so that we could clear the calendar and give those Members who want to raise this money in a bill a chance to do so and assume their constitutional responsibility and not pass the buck to the people for this revenue measure.

CORNETT.

MESSAGE FROM THE SENATE

Austin, Texas, March 21, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to print on minority report, the following:

S. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; and by amending Sections 13, 17 and 29 of Article 5 so as to provide that grand and petit juries in the District Courts shall consist of twelve (12) persons, and in the County Court of six (6) persons; etc.

The Senate has passed the following:

S. B. No. 275, A bill to be entitled "An Act to reorganize the 87th Judicial District of Texas, to be con-

stituted of Limestone, Freestone, Anderson and Leon Counties, Texas, and to provide for the terms thereof; to provide that the Judge of the 87th Judicial District shall continue to serve in said District and the period thereof; and to provide that the District Attorney of the 12th Judicial District, now elected and acting, shall represent the State in all criminal and civil cases in which the State is interested hereafter tried in the 87th Judicial District in Leon County, Texas, and to provide that the District Clerk in the respective counties composing the 87th Judicial District herein reorganized, shall serve as the District Clerks of the 87th Judicial District, and declaring an emergency."

S. B. No. 398, A bill to be entitled "An Act providing that all independent school districts in this State, whether created by General or Special Law or Laws, having a tax rate of less than One (\$1.00) Dollar upon each One Hundred (\$100.00) Dollar taxable valuation of property, subject to taxation in such districts, may be authorized by a majority vote of the qualified taxpaying voters of said district, to levy and collect an annual tax not to exceed in any one year One (\$1.00) Dollar on the One Hundred (\$100.00) Dollars valuation of taxable property in said district; repealing all laws and parts of laws in conflict herewith, both General and Special, and declaring an emergency."

H. B. No. 185, A bill to be entitled "An Act validating elections heretofore held, authorizing the issuance of waterworks revenue bonds in certain cities, etc., and declaring an emergency."

The Senate has concurred in House amendments to Senate Bill No. 213 by the following vote: Yeas, 30; Nays, 0.

Concurred in House amendments to Senate Bill No. 39 by the following vote: Yeas, 30; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

INVITING THE CHAIRMAN OF
THE GAME, FISH AND OYSTER
COMMISSION TO ADDRESS
THE HOUSE

Mr. Hardeman offered the following resolution:

H. S. R. No. 174, Inviting the Chair-

man of the Game, Fish and Oyster Commission to address the House.

Whereas, The Governor of Texas, W. Lee O'Daniel, by written proclamation has proclaimed the week of March 19, 1939, to be Texas Wildlife Week, requesting its observance by the people of Texas; and

Whereas, The week of March 19, 1939, is National Wildlife Week, and the President of the United States, Franklin Delano Roosevelt, has directed the attention of the people of the United States to this week and the vast importance of conserving and preserving the wildlife resources of this Nation, expressing his desire that the people of the United States wholeheartedly participate in the observance of this week and the principles which it personifies; and

Whereas, The House of Representatives of Texas is desirous of participating in the observance of Texas Wildlife Week and National Wildlife Week, to the end that the invaluable wildlife resources of Texas and of the Nation may be efficiently perpetuated and increased; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Chairman of the Game, Fish and Oyster Commission of Texas be invited to address the House of Representatives in session assembled on the 22nd day of March, 1939, at 12:00 o'clock m., suggesting such methods and means as may and should be taken to increase and perpetuate the invaluable wildlife resources of Texas; and, be it further

Resolved, That the Speaker of the House of Representatives appoint three Representatives to constitute and act as a committee to extend this invitation to the Game, Fish and Oyster Commission of Texas.

The resolution was read second time, and was adopted.

TO RECOMMEND THE USE OF COTTON

Mr. Fuchs offered the following resolution:

H. S. R. No. 175, Relative to the use of cotton.

Whereas, There is at present a surplus of American grown cotton of approximately 14,500,000 bales, it being the largest surplus of cotton in the history of the United States; and

Whereas, There has been a reduction in the exports of American cotton for the past few years, until the present season when this export market is only about 3,500,000 bales, the smallest volume recorded in the past 22 years; and

Whereas, It is possible, by proper enactment of the Congress of the United States, to regain at least a portion of these foreign markets, but even if it were possible to secure the volume of former years, there will still remain this staggering surplus; and

Whereas, Some of this great surplus at least, could be absorbed if and when the cotton gins of this State in particular, and the cotton South in general, would wrap their ginned cotton in cotton bagging instead of the present method; and

Whereas, The Texas Cotton Ginners' Association and the Texas Co-operative Ginners' Association whose membership, respectively, gin the great majority of the cotton processed in Texas; and

Whereas, These Associations hold their annual meetings in Dallas, Texas, April 11, 12, 13 and 14, 1939; now, therefore, be it

Resolved, That the Texas Legislature respectfully request the Associations named to urge their memberships, and through them all other cotton ginners in the State of Texas to refrain from the use of any material other than cotton in the wrappings they use upon their customers' cotton, therein setting a worthy example for all cotton gins in the States which produce cotton, and in this manner demonstrating their loyalty to the Cotton Producers of the State and Country; and be it further

Resolved, That the Ginners Associations, having set the example of utilizing the value of cotton, then call upon the producers and consumers, and citizenship generally, to "use more cotton in and and every way possible"; and be it further

Resolved, That official copies of this resolution be transmitted to the officials of these Cotton Ginners Associations.

FUCHS,
TARWATER,
RHODES,
RAGSDALE,
JOHNSON of Ellis,
KERR.
HAMILTON,

SEGRIST,
CLEVELAND,
CORRY,
HOWINGTON,
CHAMBERS,
OLIVER.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, March 21, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 209, A bill to be entitled "An Act amending Chapter 49 of the General and Special Laws of the Third Called Session of the Forty-third Legislature being House Bill No. 65, page 100 of the General and Special Laws of the Third Called Session of the Forty-third Legislature, making it unlawful to kill wild fox, or to take or have in one's possession for barter or sale the pelts of wild fox, in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

INSTRUCTING THE COMMITTEE ON REVENUE AND TAXATION TO REPORT CERTAIN BILLS

Mr. Bell offered the following resolution:

H. S. R. No. 177, Instructing the Committee on Revenue and Taxation to report certain bills.

Whereas, Over seventy (70) days of the current Legislative Session have passed; and

Whereas, It is imperative that revenue be raised to provide for the social security program inaugurated by the people and past Legislatures; and

Whereas, Up to date the Revenue and Taxation Committee has offered to the House of Representatives, in collaboration with the Committee on Constitutional Amendments, only one (1) device whereby revenue may be raised; and

Whereas, This device is in the form of a constitutional amendment; and

Whereas, Such a procedure is slow, unwieldy, and would result in delayed

action for approximately twelve (12) months before old age pensions and the other parts of the social security program could be adequately and properly financed; and

Whereas, During the past twelve (12) months there were 800 people over the age of 65 who passed away; and

Whereas, Under our present Constitution, the Legislature of the State of Texas has adequate and sufficient power to finance old age pensions, to provide for the dependent and neglected children, to take care of the adult blind, to make secure the retired teachers, and to do all other necessary things to adequately carry out the social security program; and

Whereas, There are many Members of the House who feel that they should be given an alternative in the form of a statutory act which would provide the necessary revenue immediately and not write into the fundamental law of our State a tax provision which they deem "passes the buck" back to the people who elected them to solve this problem; now, therefore, be it

Resolved by the House of Representatives, That the Committee on Revenue and Taxation be requested to report back to the House of Representatives, not later than Thursday, March 23, favorably or unfavorably, House Bill No. 340, House Bill No. 417, and House Bill No. 651.

BELL,
MORRIS,
THORNBERRY,
DERDEN,
WELLS,
READER of Erath,
ANDERSON,
LOCK,
HALE,
READER of Bexar.

The resolution was read second time.

Mr. Colquitt moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—25

Bond	Burkett
Boyer	Clark
Bradford	Colquitt
Bray	Donaghey
Broadfoot	Felty

Gilmer	McAlister
Hankamer	McFarland
Harrell of Lamar	Nicholson
Hartzog	Schuenemann
Johnson of Tarrant	Taylor
Kinard	Thornton
Leonard	Vale
Mays	

Nays—116

Allen	Hull
Allison	Hunt
Alsup	Isaacks
Anderson	Johnson of Ellis
Bailey	Kennedy
Baker	Kern
of Fort Bend	Kerr
Baker of Grayson	Kersey
Bell	King
Blankenship	Langdon
Boyd	Lehman
Bradbury	Leyendecker
Bridgers	Little
Brown of Cherokee	Lock
Brown	Loggins
of Nacogdoches	London
Bundy	McDaniel
Burney	McMurry
Cauthorn	McNamara
Chambers	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Coleman	Morris
Cornett	Newell
Corry	Oliver
Crossley	Pace
Daniel	Petsch
Davis of Jasper	Pevehouse
Davis of Upshur	Piner
Dean	Pope
Derden	Ragsdale
Dickison	Reader of Bexar
Dickson	Reader of Erath
Dowell	Reaves
Dwyer	Reed
Faulkner	Rhodes
Ferguson	Riviere
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Goodman	Russell
Gordon, Mrs.	Segrist
Hale	Skiles
Hamilton	Smith of Frio
Hardeman	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stinson
Harris	Stoll
Heflin	Talbert
Holland	Tarwater
Howington	Tennant

Turner	White
Vint	Wilson
Voigt	Winfree
Waggoner	Wood
Weldon	Worley
Wells	Wright
Westbrook	

Absent

Celaya	McDonald
Colson, Mrs.	Shell
Howard	

Absent—Excused

Keith	Thornberry
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REASON FOR VOTE

I voted "no" on the motion to table in order that some tax measure might be considered in addition to the constitutional amendment which may be submitted.

SPENCER.

Mr. Hankamer raised a point of order, on further consideration of the resolution by Mr. Bell, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Cornett moved, that the Rules relative to the consideration of resolutions, be suspended, until the above resolution is disposed of.

The motion prevailed.

Mr. Taylor moved that the resolution be laid on the table subject to call.

The motion by Mr. Taylor was lost.

Mr. Hull offered the following amendment to the resolution:

Amend House Simple Resolution No. 177, by striking out the resolving clause, and insert in lieu thereof, the following:

"Resolved by the House of Representatives, That the Committee on Revenue and Taxation be requested to report back to the House of Representatives, not later than Thursday, March 30th, favorably or unfavorably, either of House Bill No. 340, House Bill No. 417, or House Bill No. 651."

Mr. Reader of Bexar moved the previous question, on the pending amendment, and the resolution, and the main question was ordered.

(Mr. Leonard in the Chair.)

Question recurring on the amendment by Mr. Hull, it was lost.

Question then recurring on the resolution by Mr. Bell, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—111

Allen	King
Allison	Langdon
Alsup	Lehman
Anderson	Leyendecker
Bailey	Little
Baker	Lock
of Fort Bend	Loggins
Baker of Grayson	London
Bell	McDaniel
Blankenship	McDonald
Bond	McMurry
Boyd	McNamara
Bradbury	Mohrmann
Bridgers	Montgomery
Brown	Morris
of Nacogdoches	Newell
Bundy	Oliver
Burney	Pace
Cauthorn	Petsch
Chambers	Pevehouse
Cockrell	Piner
Coleman	Pope
Cornett	Ragsdale
Corry	Reader of Bexar
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Dean	Reed
Derden	Riviere
Dickison	Roach
Dickson	Roberts
Dowell	Robinson
Dwyer	Russell
Faulkner	Segrist
Felty	Skiles
Ferguson	Smith of Frio
Fielden	Smith of Hopkins
Fuchs	Smith
Galbreath	of Matagorda
Gordon, Mrs.	Spencer
Hale	Stinson
Hardeman	Stoll
Hardin	Talbert
Harp	Tarwater
Harper	Tennant
Harrell of Bastrop	Turner
Harris	Vint
Heflin	Voigt
Holland	Waggoner
Howington	Weldon
Hull	Wells
Hunt	Westbrook
Isaacks	White
Johnson of Ellis	Wilson
Kennedy	Winfree
Kern	Wood
Kerr	Worley
Kersey	Wright

Nays—27

Boyer	Hankamer
Bradford	Hartzog
Broadfoot	Howard
Brown of Cherokee	Johnson of Tarrant
Burkett	Kinard
Celaya	Mays
Clark	McAlister
Cleveland	McFarland
Colquitt	Nicholson
Daniel	Rhodes
Donaghey	Schuenemann
Gilmer	Taylor
Goodman	Thornton
Hamilton	

Absent

Bray	Monkhouse
Colson, Mrs.	Shell
Crossley	Vale
Harrell of Lamar	

Absent—Excused

Keith	Thornberry
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Mr. Bell moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 474

The Chair announced the appointment of the following Conference Committee on House Bill No. 474: Mrs. Colson, Mr. Broadfoot, Mr. Bond, Mr. Weldon and Mr. Davis of Upshur.

EXTENDING SYMPATHY OF THE HOUSE

Mr. Thornton offered the following resolution:

H. S. R. No. 179, Extending sympathy of the House.

Whereas, Our hearts have been saddened by the passing from our midst of our fellow Member, Honorable J. J. Olsen of Yoakum; and

Whereas, It is fitting that flowers be sent to the funeral as a tribute of the affection and esteem in which this distinguished statesman was held by the Members of the House of Representatives; now, therefore, be it

Resolved, That the Chairman of the Contingent Expense Committee be authorized and directed to order sent to Yoakum appropriate flowers as an acknowledgment of sympathy and

regret at the loss from the House of Representatives of our beloved fellow Member, the Honorable J. J. Olsen.

The resolution was read second time, and was adopted.

RECALLING HOUSE BILL NO. 379 FROM THE GOVERNOR

Mr. Boyd offered the following resolution:

H. C. R. No. 62, Recalling House Bill No. 379 from the Governor.

Resolved by the House of Representatives, the Senate concurring, That the Governor be, and he is hereby requested to return to the House of Representatives, House Bill No. 379, for further consideration, and that the signatures of the presiding officers of the House of Representatives and Senate be erased from the bill.

BOYD,
THORNBERRY,
COLSON, MRS.

The resolution was read second time, and was adopted.

NAMING MISS EUGENIA MORSE OFFICIAL REPRESENTATIVE OF THE LEGISLATURE

Mr. McDonald offered the following resolution:

H. C. R. No. 64, Naming Miss Eugenia Morse official representative of the Legislature.

Whereas, On April 21st the Student Agronomy Society of Texas A. and M. College will sponsor the Eighth Annual Cotton Style Show, Pageant and Ball, glorifying King Cotton; and

Whereas, The Legislature of Texas has been requested to select a young lady to act as the official Duchess of the Texas Legislature for this celebration; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Miss Eugenia Morse, the beautiful daughter of the Hon. R. Emmett Morse, Speaker of the House of Representatives, and Mrs. Morse, be named as the official Duchess of the Legislature of Texas in the Court of King Cotton.

The resolution was read second time.

Signed—Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend,

Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Colson, Mrs., Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Gordon, Mrs., Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Reader of Bexar, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

RELATIVE TO THE VENTILATION OF THE HALL OF THE HOUSE

Mr. Blankenship offered the following resolution:

H. S. R. No. 178, Relative to the ventilation of the Hall of the House.

Whereas, Many Members of the House of Representatives have repeatedly suffered from severe colds and influenza; and

Whereas, The Hall of the House of Representatives is not properly ventilated; and

Whereas, It is constantly filled with several hundred people each day; and

Whereas, The health of these people

is of great concern to the people of Texas and particularly to the Members of the House of Representatives; and

Whereas, The health of several hundred people in the Hall of the House of Representatives can be better protected by proper ventilation of the Hall; therefore, be it

Resolved, That the Board of Control herein be instructed to ascertain and seek expert opinion and cost data on means and methods of properly ventilating the Hall of the House of Representatives and report their findings within one week from this date to the Speaker of the House of Representatives; and the report of the Board of Control be considered at the time it is submitted.

The resolution was read second time, and was adopted.

NOTICE GIVEN

Mr. Tennant gave notice that he would, on the next legislative day, move to take up for consideration, at that time, House Bill No. 18, which bill was heretofore laid on the table subject to call.

RELATIVE TO HOUSE BILL NO. 653

Mr. Celaya asked unanimous consent of the House, that the caption of House Bill No. 653 be amended to conform to all changes and with the body of the bill.

There was no objection offered and it was so ordered.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 16

The Chair laid before the House as unfinished business,

H. J. R. No. 16, Proposing an amendment to Section 51b of Article III of the Constitution of the State of Texas, giving the Legislature power by General Laws to provide for the payment of old age assistance subject to certain limitations, and fixing the qualifications of recipients of old age assistance and fixing the maximum amount of assistance which may be granted by the State, and providing old age assistance shall not be paid except to persons who are in need and otherwise qualified to receive such assistance; defining the word "need;" providing that old age assistance shall not be construed as

a vested right in recipients of old age assistance; providing for authority to accept aid from the Government of the United States for old age assistance; levying and providing for the collection of a transaction tax of one and six-tenths (1.6%) per cent on the amount of actual value passing by each transaction and providing for the payment of such tax, and providing that where the amount of value which passes by a transaction is fixed by law, the tax of one and six-tenths (1.6%) per cent of such value shall be collected on the last transaction only; defining the words "value," "person" and "transaction" as used in such amendment; and providing what transactions shall be exempt from said transaction tax; providing that production of natural resources of this State shall be subject to such transaction tax and fixing the date such tax shall be effective against such production, and determining the person liable for such tax; providing that if such transaction tax against production of natural resources fails or cannot be collected, a severance tax of one and six-tenths (1.6%) per cent of the value of such production be and is levied on such production in lieu of said transaction tax; providing for collection of such tax by the Comptroller of Public Accounts and payment thereof to the State Treasurer; providing that such tax funds shall be credited to the Texas Old Age Assistance Fund, and requiring the transfer of certain of such funds to the Confederate Soldiers Pension Fund, Destitute Children Assistance Fund and Teachers' Retirement Fund, and fixing the amount and time of such transfers; providing for the exclusive use which shall be made of such funds, and providing that no other tax shall be levied for the payment of old age assistance, Confederate Soldiers pensions, destitute children assistance and teachers' retirement pensions; providing for payment of part of surplus tax into General Fund of the State; allocating such tax funds in case the same be inadequate to pay assistance as provided in this amendment; prohibiting counties, cities, and other political subdivisions from levying transaction tax; giving the Legislature power by General Laws to provide for administration of the provisions contained herein and for the collection of all taxes herein levied; proposing to

amend the Constitution of the State of Texas by adding thereto Section 1-b to Article VIII, abolishing all State ad valorem taxes from and after January 1, 1941, except as to property situated in counties or political subdivisions receiving a remission of State taxes, and further providing that State revenue received from cigarette tax shall be allocated to Available School Fund, and specifying what use may be made thereof; providing for submission of amendment to qualified electors of the State and fixing the time of such election; providing for the necessary proclamation and making an appropriation to defray the expenses of proclamation, publication and election.

The resolution having heretofore been read second time, with committee amendment No. 1 by Mr. Petsch, amendment by Mr. Morris, offered on last Thursday to the committee amendment, and substitute amendment by Mr. Talbert for the amendment by Mr. Morris, pending.

Mr. Alsup, by unanimous consent, offered the following amendments to committee amendment No. 1:

Amend committee amendment No. 1, House Joint Resolution No. 16, by adding thereto a new Subsection to be known as "14a" to read as follows:

"14a. Between January 1, 1940, and July 1, 1940, the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the said Needy Blind Assistance Fund an amount adequate to meet the obligations of this State, which will accrue during the period January 1, 1940, and ending January 1, 1941, as provided for in Section 51c of Article 3 of the Constitution of this State, and annually thereafter said Treasurer shall, during the first six months of each year, transfer from said Texas Old Age Assistance Fund to said Needy Blind Assistance Fund such amount as may be necessary to meet the obligations of the State as provided for in said Section 51c of Article 3 of the Constitution of this State. Such fund, or so much thereof as may be necessary, shall be used exclusively for the payment of Needy Blind Benefits, and the State's portion of the cost of administering such fund."

Amend committee amendment No. 1, House Joint Resolution No. 16, line 31, Subsection 12, page 5, by striking out the word "three (3)," and sub-

stituting in lieu thereof the word "four (4)," and line 33, page 5, by striking out the word "and" before clause (c), following clause (c) strike out the period, substituting therefor a semi-colon and adding a clause to read "and (d) Needy Blind Assistance Fund."

Amend committee amendment No. 1, House Joint Resolution No. 16, Subsection 15, page 7, line 2, by adding following the comma the clause "and to the Needy Blind Assistance Fund as provided in Subsection 14a of this Act. . ."

Amend committee amendment No. 1, House Joint Resolution No. 16, Subsection 16, page 7, line 20, by inserting before the word "and" a comma and adding following the comma a clause to read "and Needy Blind Assistance. . ." and line 26, page 7, by inserting a comma following the clause "Destitute Children's Assistance," and adding following the comma the clause "Needy Blind Assistance. . ."

Amend committee amendment No. 1, House Joint Resolution No. 16, Subsection 17, page 7, line 30, by striking out the word "and" substituting therefor a comma, and line 31, page 7, by inserting following the clause "Retirement Fund" a comma, following the comma with the clause "and Needy Blind Fund. . ."

Amend committee amendment No. 1, House Joint Resolution No. 16, Subsection 3, page 8, line 35, by striking out the word "and" substituting in lieu thereof a comma, following the comma with the clause "needy blind assistance and . . .", and page 9, line 2, by striking out the word "and" substituting in lieu thereof a comma, the comma to be followed by a clause "needy blind assistance and . . .".

The amendments were severally adopted.

Question — Shall the substitute amendment by Mr. Talbert be adopted?

(Speaker in the Chair.)

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 275, to the Committee on Judicial Districts.

Senate Bill No. 398, to the Committee on State Affairs.

Senate Bill No. 209, to the Committee on Game and Fisheries.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 252, "An Act creating a Special Road Law for Zapata County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

S. B. No. 271, "An Act creating an additional District Court in Harris County, Texas, to be known as the 127th District Court, etc., and declaring an emergency."

H. B. No. 185, "An Act validating elections heretofore held, authorizing the issuance of waterworks revenue bonds, and the bonds when issued, approved and registered, under circumstances prescribed herein, providing that the provisions hereof shall not be applicable in instances wherein litigation exists, and declaring an emergency."

S. B. No. 39, "An Act to amend an Act of the Legislature passed in 1905, entitled 'Owners May Weigh & Etc.' Pertaining to Public Weighers and other Acts of the Legislature pertaining to the office of Public Weigher, and other persons engaged in weighing for the public, and repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 213, "An Act providing

that it shall be unlawful to take or kill a brown pelican; providing a suitable penalty, and declaring an emergency."

RECESS

On motion of Mr. Petsch, the House, at 12:05 o'clock p. m., took recess until 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by Hon. Homer Leonard.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 16

The House resumed consideration of pending business, same being House Joint Resolution No. 16, Providing for certain constitutional amendment in regard to the levying of certain taxes for the purpose of paying old age assistance, etc., the resolution having heretofore been read second time, with committee amendment No. 1, by Mr. Petsch, amendment by Mr. Morris to the committee amendment, and substitute amendment offered by Mr. Talbert, for the amendment by Mr. Morris, pending.

Mr. Blankenship moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question then recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—16

Baker of Grayson	Loggins
Blankenship	London
Corry	Morris
Donaghey	Pace
Faulkner	Piner
Felty	Smith
Holland	of Matagorda
Isaacks	Talbert
Kerr	

Nays—113

Allen	Boyd
Allison	Boyer
Alsup	Bradbury
Bailey	Bradford
Baker	Bridgers
of Fort Bend	Broadfoot
Bond	Brown of Cherokee

Brown	Mays
of Nacogdoches	McAlister
Bundy	McDaniel
Burney	McDonald
Cauthorn	McFarland
Chambers	McMurry
Clark	McNamara
Cockrell	Mohrmann
Colquitt	Montgomery
Colson, Mrs.	Newell
Cornett	Nicholson
Crossley	Oliver
Daniel	Petsch
Davis of Jasper	Pevehouse
Davis of Upshur	Pope
Derden	Ragsdale
Dickison	Reader of Bexar
Dickson	Reader of Erath
Dowell	Reaves
Dwyer	Reed
Ferguson	Rhodes
Fielden	Riviere
Fuchs	Roach
Galbreath	Roberts
Gilmer	Robinson
Goodman	Russell
Gordon, Mrs.	Schuenemann
Hale	Segrist
Hamilton	Shell
Hankamer	Skiles
Hardeman	Smith of Frio
Harp	Smith of Hopkins
Harper	Spencer
Harrell of Bastrop	Stinson
Harrell of Lamar	Stoll
Harris	Taylor
Hartzog	Tennant
Heflin	Thornton
Howard	Turner
Howington	Vale
Hunt	Voigt
Johnson of Ellis	Waggoner
Kennedy	Weldon
Kern	Wells
Kersey	Westbrook
King	White
Langdon	Wilson
Lehman	Winfree
Leyendecker	Worley
Little	Wright
Lock	

Present—Not Voting

Vint

Absent

Anderson	Hardin
Bell	Hull
Bray	Johnson of Tarrant
Burkett	Kinard
Celaya	Monkhouse
Cleveland	Tarwater
Coleman	Wood
Dean	

Absent—Excused

Keith

Thornberry

Mr. Worley moved a call of the House, for the purpose of maintaining a quorum until House Joint Resolution No. 16 is disposed of, and the call was duly ordered.

On motion of Mr. Worley, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the House was called, and the following Members were present:

Allen	Fuchs
Allison	Galbreath
Alsup	Gilmer
Anderson	Goodman
Bailey	Gordon, Mrs.
Baker	Hale
of Fort Bend	Hamilton
Baker of Grayson	Hankamer
Bell	Hardeman
Blankenship	Hardin
Bond	Harp
Boyd	Harper
Boyer	Harrell of Bastrop
Bradbury	Harrell of Lamar
Bradford	Harris
Bridgers	Hartzog
Broadfoot	Heflin
Brown of Cherokee	Holland
Brown	Howard
of Nacogdoches	Howington
Bundy	Hull
Burkett	Hunt
Burney	Isaacks
Cauthorn	Johnson of Ellis
Chambers	Johnson of Tarrant
Clark	Kennedy
Cleveland	Kern
Cockrell	Kerr
Coleman	Kersey
Colquitt	Kinard
Colson, Mrs.	King
Cornett	Langdon
Corry	Lehman
Crossley	Leonard
Daniel	Leyendecker
Davis of Jasper	Little
Davis of Upshur	Lock
Dean	Loggins
Derden	London
Dickison	Mays
Donaghey	McAlister
Dowell	McDaniel
Dwyer	McDonald
Faulkner	McFarland
Felty	McMurry
Ferguson	McNamara
Fielden	Mohrmann

Montgomery	Smith of Hopkins
Morris	Smith
Newell	of Matagorda
Nicholson	Spencer
Oliver	Stinson
Pace	Stoll
Petsch	Talbert
Pevehouse	Tarwater
Piner	Taylor
Pope	Tennant
Ragsdale	Thornton
Reader of Bexar	Turner
Reader of Erath	Vale
Reaves	Vint
Reed	Voigt
Rhodes	Waggoner
Riviere	Weldon
Roach	Wells
Roberts	Westbrook
Robinson	White
Russell	Wilson
Schuenemann	Winfree
Segrist	Wood
Shell	Worley
Skiles	Wright
Smith of Frio	

Absent

Bray	Dickson
Celaya	Monkhouse

Absent—Excused

Keith	Thornberry
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A quorum was announced present.

Mr. Davis of Upshur moved the previous question, on the resolution, and the pending amendments, and the motion was not seconded.

Mr. Bradbury raised a point of order, on the motion for the previous question, at this time, on the ground that the measure has not been thoroughly discussed.

The Chair overruled the point of order.

Mr. Hale raised a point of order, on the motion for the call of the House, on the ground that the call does not comply with Rule XVI, Section 2 of the House Rules.

The Chair overruled the point of order.

(Pending consideration of the substitute amendment, Mr. Dean occupied the Chair, temporarily.)

(Mr. Leonard in the Chair.)

Mr. Broadfoot moved the previous question, on the amendment by Mr. Morris to the committee amendment, and the substitute amendment by Mr.

Talbert, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Bradbury called for a division of the question in the substitute amendment by Mr. Talbert, which amendment was offered on last Thursday.

Question first recurring on Section (f) of the substitute amendment by Mr. Talbert, relating to a tax on sulphur, yeas and nays were demanded.

This Section of the amendment was adopted by the following vote:

Yeas—103

Allison	Hull
Alsup	Hunt
Baker	Johnson of Ellis
of Fort Bend	Johnson of Tarrant
Blankenship	Kennedy
Bond	Kerr
Boyd	Kersey
Boyer	Kinard
Bradbury	King
Bradford	Lehman
Bray	Leyendecker
Broadfoot	Little
Brown of Cherokee	Loggins
Bundy	London
Burkett	Mays
Cauthorn	McAlister
Celaya	McDaniel
Chambers	McDonald
Clark	McFarland
Cleveland	McMurry
Cockrell	Mohrmann
Colson, Mrs.	Monkhouse
Corry	Montgomery
Crossley	Morris
Daniel	Newell
Davis of Jasper	Nicholson
Dean	Oliver
Donaghey	Pace
Dowell	Petsch
Faulkner	Pevehouse
Felty	Piner
Fuchs	Ragsdale
Gilmer	Reader of Bexar
Goodman	Reaves
Gordon, Mrs.	Reed
Hale	Rhodes
Hankamer	Riviere
Hardeman	Roberts
Hardin	Robinson
Harrell of Lamar	Schuenemann
Harris	Segrist
Hartzog	Shell
Heflin	Skiles
Howard	Smith of Frio
Howington	Smith of Hopkins

Smith
of Matagorda
Spencer
Stinson
Talbert
Tennant
Thornton
Vale

Voigt
White
Wilson
Winfree
Wood
Worley
Wright

Nays—37

Allen	Holland
Anderson	Isaacks
Bailey	Kern
Baker of Grayson	Langdon
Bell	Lock
Bridgers	McNamara
Burney	Reader of Erath
Coleman	Roach
Colquitt	Russell
Cornett	Stoll
Davis of Upshur	Tarwater
Derden	Taylor
Dickison	Turner
Dwyer	Vint
Ferguson	Waggoner
Galbreath	Weldon
Hamilton	Wells
Harp	Westbrook
Harrell of Bastrop	

Absent

Brown	Fielden
of Nacogdoches	Harper
Dickson	Pope

Absent—Excused

Keith	Thornberry
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Mr. Nicholson moved to reconsider the vote by which this Section of the substitute amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Question next recurring on Section (h) of the substitute amendment, relative to a tax on oil, yeas and nays were demanded.

This Section of the substitute amendment was adopted by the following vote:

Yeas—93

Allison	Broadfoot
Alsup	Brown of Cherokee
Anderson	Bundy
Baker	Burkett
of Fort Bend	Celaya
Blankenship	Clark
Bond	Cleveland
Boyer	Cockrell
Bradbury	Colquitt
Bradford	Colson, Mrs.
Bray	Corry

Crossley
Daniel
Davis of Jasper
Dean
Donaghey
Dowell
Dwyer
Faulkner
Ferguson
Fielden
Fuchs
Gilmer
Goodman
Gordon, Mrs.
Hankamer
Hardin
Harper
Harrell of Lamar
Harris
Hartzog
Heflin
Howard
Hull
Hunt
Johnson of Ellis
Johnson of Tarrant
Kennedy
Kerr
Kersey
Kinard
Lehman
Leyendecker
Little
Loggins
London
Mays
McAlister

McDaniel
McDonald
McFarland
McMurry
Monkhouse
Montgomery
Nicholson
Oliver
Pace
Petsch
Ragsdale
Reader of Bexar
Reed
Rhodes
Riviere
Roberts
Robinson
Schuenemann
Segrist
Shell
Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Talbert
Tennant
Thornton
Vale
Voigt
Wilson
Winfree
Wood
Worley
Wright

Nays—48

Allen	King
Bailey	Langdon
Baker of Grayson	Lock
Bell	McNamara
Boyd	Mohrmann
Bridgers	Morris
Burney	Newell
Cauthorn	Pevehouse
Chambers	Piner
Coleman	Reader of Erath
Cornett	Reaves
Davis of Upshur	Roach
Derden	Russell
Dickison	Skiles
Galbreath	Stoll
Hale	Tarwater
Hamilton	Taylor
Hardeman	Turner
Harp	Vint
Harrell of Bastrop	Waggoner
Holland	Weldon
Howington	Wells
Isaacks	Westbrook
Kern	White

Absent

Brown Felty
of Nacogdoches Pope
Dickson

Absent—Excused

Keith Thornberry

REASON FOR VOTE

I voted "no" on the Talbert amendment to the Morris amendment because I wanted to vote for the higher tax in the Morris amendment.

CORNETT.

Mr. Nicholson moved to reconsider the vote by which this Section of the substitute amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Burkett asked unanimous consent of the House, that the following amendment be adopted to the substitute amendment by Mr. Talbert:

Amend Talbert amendment to Morris amendment to House Joint Resolution No. 16, Subsection (h), line 4, after the word "deductions" by inserting the following:

"However, the tax levied by this amendment shall not apply to oil which is produced from wells in this State producing six (6) barrels, or less, per day of twenty-four (24) hours."

BURKETT,
CHAMBERS,
CROSSLEY,
CLARK,
BRADBURY.

There was no objection offered, and it was so ordered.

Question then recurring on the amendment by Mr. Morris to committee amendment No. 1, as substituted by amendment by Mr. Talbert, it was adopted.

Mr. Nicholson moved to reconsider the vote by which the amendment, as substituted, was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Russell offered the following amendment to committee amendment No. 1:

Amend amendment to House Joint Resolution No. 16, page 2, line 38, by changing the words and figures "forty (40c) cents", to "fifty (50c) cents", and on page 3, line 3, the words and figures "forty" (40c)

cents", to "fifty (50c) cents", and the same change in line 10 and make the same change in line 14 on said page and in lines 26 and 27 change the words and figures "two and one-half (2½%) per cent" to "two (2%) per cent".

RUSSELL,
ROBERTS,
LANGDON.

Mr. Brown of Cherokee offered the following substitute for the amendment by Mr. Russell:

"(a) Upon every retail sales transaction of tangible personal property in this State, the tax shall be two (2%) per cent of the retail sale price.

"(b) Upon every sale in this State of electric energy and gas (natural or artificial) by private utilities, municipalities and governmental agencies, except on sales for industrial purposes, the tax shall be two (2%) per cent of the sale price.

"(c) Upon all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing, of all equipment or services pertaining or incidental thereto in this State, the tax shall be two (2%) per cent of the sale price.

"(d) Upon all charges for admission to places of amusement or athletic contests, the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof of the admission price in excess of fifty (50c) cents.

"(e) The taxes levied under (a), (b), (c), and (d) shall be collected from the purchaser by the seller under such rules and regulations as the Legislature may provide, provided the Legislature shall have the authority to make certain exceptions up to a specific sale price from said tax and to formulate sale price brackets on which a specific amount may be collected."

Mr. Hardin moved the previous question, on the amendment by Mr. Russell, and the substitute amendment by Mr. Brown of Cherokee, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Fielden moved that the substitute amendment by Mr. Brown of Cherokee be tabled.

The motion to table was lost.

Question then recurring on the substitute amendment by Mr. Brown of Cherokee, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

Yeas—83

Anderson	Kennedy
Bailey	Kern
Baker	Kerr
of Fort Bend	Kersey
Baker of Grayson	King
Bell	Langdon
Blankenship	Lehman
Boyd	Leyendecker
Bradbury	Lock
Bridgers	London
Brown	McNamara
of Nacogdoches	Mohrmann
Bundy	Montgomery
Burney	Morris
Chambers	Newell
Clark	Pace
Cockrell	Pevehouse
Cornett	Piner
Daniel	Ragsdale
Davis of Jasper	Reader of Bexar
Dean	Reader of Erath
Derden	Reaves
Dickison	Reed
Dowell	Rhodes
Dwyer	Roach
Faulkner	Roberts
Ferguson	Russell
Fuchs	Segrist
Galbreath	Skiles
Goodman	Smith of Frio
Gordon, Mrs.	Smith of Hopkins
Hale	Spencer
Hamilton	Tarwater
Hardeman	Vint
Hardin	Voigt
Harp	Weldon
Harper	Wells
Harrell of Bastrop	Westbrook
Holland	White
Howington	Winfree
Hunt	Worley
Isaacks	Wright
Johnson of Ellis	

Nays—54

Allen	Burkett
Allison	Cauthorn
Alsup	Celaya
Bond	Cleveland
Boyer	Coleman
Bradford	Colquitt
Bray	Colson, Mrs.
Broadfoot	Corry

Crossley	Oliver
Davis of Upshur	Petsch
Donaghey	Pope
Felty	Riviere
Fielden	Robinson
Gilmer	Schuenemann
Hankamer	Shell
Harris	Smith
Hartzog	of Matagorda
Howard	Stinson
Hull	Stoll
Johnson of Tarrant	Taylor
Little	Tennant
Mays	Thornton
McAlister	Turner
McDaniel	Vale
McDonald	Waggoner
McFarland	Wilson
McMurry	Wood
Nicholson	

Absent

Brown of Cherokee	Kinard
Dickson	Loggins
Harrell of Lamar	Monkhouse
Heflin	Talbert

Absent—Excused

Keith	Thornberry
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Mr. Galbreath offered the following amendment to the amendment by Mr. Brown of Cherokee:

Amend House Joint Resolution No. 16, Section 1, paragraph (a), page 2, lines 37, 38, and 39, by striking out all of said lines after the word "be" in line 37, and inserting in lieu thereof, the following: "Exempt all sales of One Hundred (\$100.00) Dollars or less".

Mr. Mays moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Allison	Celaya
Alsup	Chambers
Bailey	Clark
Bond	Cleveland
Boyer	Cockrell
Bradbury	Coleman
Bradford	Colquitt
Bray	Colson, Mrs.
Broadfoot	Corry
Brown of Cherokee	Crossley
Bundy	Davis of Jasper
Burkett	Davis of Upshur
Cauthorn	Donaghey

Faulkner	Mohrmann
Felty	Newell
Fuchs	Nicholson
Gilmer	Oliver
Goodman	Pace
Hamilton	Petsch
Hankamer	Pevehouse
Hardin	Reader of Erath
Harris	Reaves
Hartzog	Rhodes
Heflin	Riviere
Howington	Roach
Hull	Roberts
Hunt	Robinson
Johnson of Ellis	Schuenemann
Johnson of Tarrant	Segrist
Kennedy	Shell
Kersey	Smith of Frio
Kinard	Spencer
Little	Talbert
Lock	Taylor
Mays	Tennant
McAlister	Thornton
McDaniel	Turner
McDonald	Vale
McFarland	Wilson

Nays—60

Allen	King
Anderson	Langdon
Baker of Grayson	Lehman
Bell	Leyendecker
Blankenship	London
Boyd	McMurry
Bridgers	McNamara
Brown	Montgomery
of Nacogdoches	Morris
Cornett	Piner
Daniel	Ragsdale
Dean	Reader of Bexar
Derden	Reed
Dickson	Russell
Dowell	Skiles
Dwyer	Smith of Hopkins
Ferguson	Smith
Fielden	of Matagorda
Galbreath	Stoll
Gordon, Mrs.	Tarwater
Hale	Vint
Hardeman	Voigt
Harp	Waggoner
Harper	Weldon
Harrell of Bastrop	Wells
Harrell of Lamar	Westbrook
Holland	White
Howard	Winfree
Isaacks	Wood
Kern	Worley
Kerr	Wright

Absent

Baker	Burney
of Fort Bend	Dickson

Loggins	Pope
Monkhouse	Stinson

Absent—Excused

Keith	Thornberry
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Mr. McFarland offered the following amendment to the amendment by Mr. Brown of Cherokee:

Amend committee amendment No. 1 to House Joint Resolution No. 16, by striking out all of Subsections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 20, pages 2 to 8, and substitute therefor the following, and renumber Subsection 19 accordingly:

“Sec. 6. In order to provide the revenues for the payment of Old Age Assistance, provided for in this amendment, and for payment of Assistance to Destitute Children, Needy Blind Persons, and Teachers’ Retirement Fund, the Legislature shall by general law levy taxes to be known as Social Security Taxes upon retail sales, services, activities and natural resources, ratable on the following basis, not to exceed two per cent (2%) on retail sales, on services and activities, not to exceed thirty-five cents (34c) per long ton on sulphur produced, not to exceed one per cent (1%) on the value of natural gas produced and saved, and not to exceed one per cent (1%) on the value of oil produced and saved, with such exemptions as the Legislature may deem expedient.

“Sec. 7. The Social Security Taxes herein provided to be levied shall be the only taxes to be levied for, and used solely for the payment of Old Age Assistance, Destitute Childrens’ Assistance, Aid to Needy Blind and Teachers’ Retirement Fund, and the administration of the said various forms of Social Security, and the Legislature shall by general law provide for the administration of same, and the allocation of the funds to the said various purposes.

“Sec. 8. The taxes provided to be levied under this amendment shall be in addition to all other taxes that are now, or may hereafter be levied by law.”

McFARLAND,
BRADBURY,
FIELDEN.

Mr. Nicholson raised a point of order, on further consideration of the amendment, by Mr. McFarland, at this time, on the ground that the amend-

ment seeks to change provisions heretofore adopted by the House, and the vote by which said provisions were adopted, having been reconsidered and tabled.

The Chair sustained the point of order.

Mr. Brown of Cherokee moved the previous question on the amendment by Mr. Russell, as substituted, and the main question was ordered.

Question recurring on the amendment by Mr. Russell, as substituted, it was adopted.

Mr. Brown of Cherokee moved to reconsider the vote by which the amendment, as substituted, was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Hardin moved the previous question on House Joint Resolution No. 16, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Wells offered the following substitute amendment for committee amendment No. 1:

Amend House Joint Resolution No. 16, by striking out all below the resolving clause, and substituting in lieu thereof, the following:

"Section 1. That Section 51B of Article III of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 51b. The Legislature shall have the power by General Law to provide for the payment of old age assistance to citizens of the United States who are actual bona fide citizens of Texas, subject, however, to the following provisions and limitations:

(1) No one shall be eligible to receive old age assistance who is (a) an habitual criminal or habitual drunkard; (b) who is an inmate of a State institution; (c) who has not been an actual resident of the State of Texas for at least five (5) years during the nine (9) years immediately preceding the application for old age assistance and continuously for one (1) year immediately preceding such application; (d) nor shall any person be eligible for old age assistance unless such person be sixty-five (65) years of age or older.

(2) The amount of the assistance granted by the State to be paid out of

State Funds shall never exceed Fifteen (\$15) Dollars per month to any person who is otherwise qualified to receive such assistance.

(3) Old age assistance shall never be paid except to a person who is in need and who is otherwise qualified to receive such assistance.

(4) The term "person who is in need" as used in Subsection 3 above is hereby defined to mean: a person who does not have a net income of Thirty (\$30) Dollars per month. The amount of the old age assistance granted by the State shall in each case be such an amount as when added to the net income of the person, together with any amount which may be granted by the Federal Government, will equal Thirty (\$30) Dollars per month, provided that in no case shall the amount be paid out of State Funds exceed Fifteen (\$15) Dollars per month. In determining need the ability of children, or other relatives, to assist in supporting applicants for assistance shall never be taken into consideration.

(4a) The term "net income" as used in Subsection four (4) above is hereby defined to mean the total amount received in money or its equivalent from personal labor, wages, salaries, interest, dividends, rentals and bequests, less actual business expense incurred in earning such income and taxes actually paid thereon; but "net income" shall not include the rental value of the home of the recipient where said rental value does not exceed Fifteen (\$15) Dollars per month, nor shall it include the value of agricultural, livestock, dairy and poultry products produced and consumed by the recipient on the premises; provided, however, that as to real property the income therefrom shall be the net rents received and which shall remain after deducting all taxes paid on such real property for the same period covered by such rents, all insurance premiums paid thereon but prorated for the same period covered by such rents, and the amount actually paid for repairs made to such real property during the same period covered by such rents; provided further that in determining income from real property no deductions shall be made on account of depreciation of the value of such real property.

(5) The Legislature shall have the authority to accept from the Gov-

ernment of the United States such financial aid for old age assistance as that Government may offer not inconsistent with the limitations and provisions of this amendment.

(6) In order to provide the revenues for the purposes set out in this amendment, taxes to be known and designated as Social Security Taxes are hereby levied upon transactions, services, activities and natural resources, as follows:

(a) The Legislature shall by General Law levy a tax of not more than three (3%) per cent on all net incomes of not less than Fifteen Hundred (\$1,500) Dollars of natural persons and of not more than five (5%) per cent on the net income of all private corporations in the State of Texas.

(b) The Legislature shall enact General Law levying a tax of not more than four (4%) per cent of the market value, at the source, of all natural resources of the State of Texas.

(c) The Legislature shall enact General Law levying a tax of not more than four (4%) per cent of the market value, at the source, of all natural resources of the State of Texas.

(2) The taxes levied in this amendment shall become effective September 1, 1939.

(3) Said proposed Constitutional Amendment shall be submitted to the vote of the electors of this State qualified to vote on constitutional amendments at an election to be held throughout the State on the first Saturday in July, A. D., 1939, at which each voter favoring said amendment shall scratch off the ballot with a pen or pencil the following words printed thereon:

(a) Against the Amendment to the Constitution of the State of Texas providing for a system of old age assistance, levying a tax of not more than three (3%) per cent on all net incomes of not less than Fifteen Hundred (\$1,500) Dollars of natural persons, and of not more than five (5%) per cent on the net incomes of all private corporations in the State of Texas.

(b) Against the Amendment to the Constitution of the State of Texas providing for a system of old age assistance, levying a tax of not more than two and one-half (2½%) per cent on all retail sales, and providing a source of revenue for the payment

of destitute children's assistance and teachers' retirement benefits.

(c) Against the Amendment to the Constitution of the State of Texas providing for a system of old age assistance, levying a tax of not more than four (4%) per cent of the market value, at the source, of all natural resources for the payment of destitute children's assistance and teachers' retirement benefits.

And at which each voter opposing said amendment shall scratch off with a pen or pencil the following words printed thereon:

(a) For the Amendment to the Constitution of the State of Texas providing for a system of old age assistance, levying a tax of not more than three (3%) per cent on all net incomes of not less than Fifteen Hundred (\$1,500) Dollars of natural persons, and of not more than five (5%) per cent on the net incomes of all private corporations in the State of Texas.

(b) For the Amendment to the Constitution of the State of Texas providing for a system of old age assistance, levying a tax of not more than two and one-half (2½%) per cent on all retail sales, and providing a source of revenue for the payment of destitute children's assistance and teachers' retirement benefits.

(c) For the Amendment to the Constitution of the State of Texas providing for a system of old age assistance, levying a tax of not more than four (4%) per cent of the market value, at the source, of all natural resources for the payment of destitute children's assistance and teachers' retirement benefits.

(4) If it shall appear from the returns of said election that a majority of the votes cast have been cast in favor of any one or all of said proposals to such amendment, then the proposal or proposals receiving the majority vote of those so approved shall become a part of the Constitution of the State of Texas.

(5) The Governor shall issue his proclamation calling said election and have the same published and said election held in accordance with this resolution and the Constitution and laws of this State; and returns shall be made and the votes canvassed and counted as provided by law; and if said amendments or any one of them are adopted by the required vote of

qualified electors of this State, the Governor shall issue his proclamation as required by law.

(6) The sum of Ten Thousand (\$10,000) Dollars or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the publication of the proclamation calling said election and any expense of the State in submitting said amendments and hold said election.

(7) The Comptroller of Public Accounts of this State shall collect all taxes levied herein and pay the same to the State Treasurer and the State Treasurer shall open and maintain in his office three (3) special funds, as follows: (a) Destitute Children's Assistance Fund; (b) Teachers' Retirement Fund; and (c) Texas Old Age Assistance Fund. All the proceeds of the taxes herein levied shall be received by the State Treasurer from the Comptroller of Public Accounts and credited to the Texas Old Age Assistance Fund.

(8) Between January 1, 1940, and July 1, 1940, the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the said Destitute Children's Assistance Fund, the sum of One Million, Five Hundred Thousand (\$1,500,000.00) Dollars to meet the obligations of this State as authorized by Section 51d of Article III of the Constitution of this State, and annually thereafter said Treasurer shall during the first six (6) months of each year transfer from said Texas Old Age Assistance Fund to said Destitute Children's Assistance Fund such an amount, not to exceed One Million, Five Hundred Thousand (\$1,500,000.00) Dollars, as may be necessary, together with any monies, or funds, remaining in such Destitute Children's Assistance Fund to meet legislative appropriations authorized for such purposes. Such fund, or so much thereof as may be necessary, shall be used exclusively for the payment of assistance to destitute children and the State's portion of the cost of administering said fund.

(9) Between January 1, 1940, and July 1, 1940, the State Treasurer shall transfer from the Texas Old Age Assistance Fund to the said Teachers' Retirement Fund, an amount adequate to meet the obligations of this State which will accrue during the period beginning January 1, 1940, and end-

ing January 1, 1941, as provided for in Section 48a of Article III of the Constitution of this State, and annually thereafter said State Treasurer shall, during the first six (6) months of each year, transfer from said Texas Old Age Assistance Fund to said Teachers' Retirement Fund such an amount as may be necessary to meet the obligations of the State as provided for in said Section 48a of Article III of the Constitution of this State. Such fund, or so much thereof as may be necessary, shall be used exclusively for the payment of Teachers' Retirement Benefits and the State's portion of the cost of administering such fund. It is provided, however, that during the calendar year 1942, the State Treasurer shall transfer from the Old Age Assistance Fund to the Teachers' Retirement Fund an additional amount equivalent to one-fifth (1/5th) of the undischarged obligation of the State to the Teachers' Retirement Fund which has accumulated prior to the first day of January, 1940, and during each of the succeeding four (4) years a like amount shall be so transferred to the Teachers' Retirement Fund.

(10) All of the proceeds of the taxes herein levied, save and except such of said proceeds as shall be credited to the Destitute Children's Assistance Fund, as provided in Subsection (8) of this Section and to the Teachers' Retirement Fund as provided in Subsection (9) of this Section, shall be used exclusively for the payment of old age assistance and the cost of collecting said tax and administering of old age assistance; provided that at least thirty (30) days prior to the convening of each regular biennial session of the Legislature, beginning with the regular biennial session in the year 1941, the State Treasurer shall examine the condition of the Texas Old Age Assistance Fund and when, after meeting all obligations for the preceding biennium, it is found by him that a surplus of as much as twenty-five (25%) per cent of the cost of meeting such obligations during the previous biennium has accumulated, then, in that event the Legislature shall ratably reduce the rates of taxation herein levied so as to provide as nearly as possible only so much revenue as is necessary to meet the actual requirements under this amendment.

(11) On and after January 1, 1940, old age assistance, destitute children's assistance, teachers' retirement benefits and the State's portion of the administration thereof shall be paid exclusively from the revenue derived from the taxes herein levied and no appropriation shall thereafter be made out of any other State funds for any such purposes, nor shall any other taxes be levied, or collected, nor shall the taxes herein levied ever be increased for the payment of old age assistance, destitute children's assistance or for teachers' retirement benefits or the State's portion of the administration thereof.

(12) If after the State Treasurer has transferred and credited to the Destitute Children's Assistance Fund and Teachers' Retirement Fund the respective amounts required to be transferred and credited to such respective funds, it appears that the revenue remaining will not be adequate to pay in full all grants made to recipients of old age assistance, then, and in that event, the revenue remaining shall be paid pro rata to such recipients of old age assistance based on the amount granted to each recipient, and neither the State nor any of its agencies shall be liable in any way to any recipient for any deficit. The provisions hereof providing for old age assistance shall not be construed as a vested right in the recipients of old age assistance.

(13) The taxes herein levied are in addition to all other taxes that are now or may hereafter be levied by law.

(14) No city or other political subdivision of the State, by virtue of its taxing power, police power, or otherwise, shall impose an occupation tax or charge of any sort, whether measured by gross receipts or otherwise, for the privilege of doing business, upon any person engaged in a business in which the sales or service transactions are taxed under this amendment, provided that this amendment shall not limit the right of any city to collect any special taxes which are now or may hereafter be provided for in a franchise, or which are payable under any agreement now in existence or hereafter made between a city and the holder of a franchise.

(15) The Legislature shall have the power by General Law to grant

to the Comptroller of Public Accounts such powers and authority to promulgate and issue rules and regulations covering the collection of the taxes levied herein as the Legislature may deem necessary, and the Legislature shall have the power by General Law to provide for the administration of all of the provisions contained in this amendment and for the collection of all taxes herein levied."

WELLS,
MORRIS,
SMITH of Hopkins.

Mr. Corry raised a point of order, on further consideration of the amendment by Mr. Wells, at this time, on the ground that the amendment seeks to change provisions heretofore adopted by the House, and which vote was reconsidered and tabled.

The Chair overruled the point of order.

Mr. Vint moved that House Joint Resolution No. 16 be laid on the table subject to call.

Question recurring on the motion by Mr. Vint, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—54

Allen	Langdon
Anderson	Leyendecker
Baker	Lock
of Fort Bend	London
Baker of Grayson	McNamara
Bell	Mohrmann
Boyd	Montgomery
Bridgers	Morris
Brown	Piner
of Nacogdoches	Ragsdale
Cauthorn	Reader of Bexar
Coleman	Reader of Erath
Cornett	Reaves
Derden	Roach
Dickison	Robinson
Dowell	Skiles
Dwyer	Smith of Frio
Fuchs	Smith
Galbreath	of Matagorda
Gordon, Mrs.	Stoll
Hale	Talbert
Hardeman	Tarwater
Harp	Tennant
Harrell of Bastrop	Vint
Hunt	Waggoner
Isaacks	Weldon
Kern	Wells
Kerr	Winfree
Kersey	

Nays—87

Allison	Howington
Alsup	Hull
Bailey	Johnson of Ellis
Blankenship	Johnson of Tarrant
Bond	Kennedy
Boyer	Kinard
Bradbury	Lehman
Bradford	Little
Bray	Mays
Broadfoot	McAlister
Brown of Cherokee	McDaniel
Bundy	McDonald
Burkett	McFarland
Burney	McMurry
Celaya	Newell
Chambers	Nicholson
Clark	Oliver
Cleveland	Pace
Cockrell	Petsch
Colquitt	Pevehouse
Colson, Mrs.	Pope
Corry	Reed
Crossley	Rhodes
Daniel	Riviere
Davis of Jasper	Roberts
Davis of Upshur	Russell
Dean	Schuenemann
Donaghey	Segrist
Faulkner	Shell
Felty	Smith of Hopkins
Ferguson	Spencer
Fielden	Stinson
Gilmer	Taylor
Goodman	Thornton
Hamilton	Turner
Hankamer	Vale
Hardin	Voigt
Harper	Westbrook
Harrell of Lamar	White
Harris	Wilson
Hartzog	Wood
Heflin	Worley
Holland	Wright
Howard	

Absent

Dickson	Loggins
King	Monkhouse

Absent—Excused

Keith	Thornberry
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REASON FOR VOTE

I voted to lay House Joint Resolution No. 16 on the table subject to call because I wanted the House to consider the House bills on this subject before they passed the Joint Resolution, not necessarily because I am opposed to the resolution as such.

HALE.

Mr. Anderson asked unanimous consent of the House, that the amendment by Mr. Wells be mimeographed and placed on the Member's desks.

There was no objection offered, and it was so ordered.

Question — Shall the substitute amendment by Mr. Wells for committee amendment No. 1, be adopted?

(Speaker in the Chair.)

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Newell:

H. B. No. 889, A bill to be entitled "An Act making it unlawful to take any fish from any of the fresh water lakes, rivers, bayous, sloughs, and/or any other fresh waters in Jack County, Texas, by the use of any hoop, nets, and/or barrel nets; prescribing penalties for such unlawful taking; repealing all laws and parts of laws to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Russell asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bills Nos. 890 and 891.

There was no objection offered.

The Speaker then laid the bills before the House, they were read first time, and referred to the appropriate committees, as follows:

By Mr. Russell:

H. B. No. 890, A bill to be entitled "An Act authorizing the Commissioners Court in any county having a population of not less than thirty-three thousand, three hundred (33,300) and not more than thirty-three thousand, three hundred and fifty (33,350) according to the last preceding Federal Census to allow each County Commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Russell:

H. B. No. 891, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, by adding thereto a new Section to be known as Article 1645b; providing that certain County Auditors may act as County Purchasing Agents under certain conditions in certain counties; providing for their compensation as Purchasing Agents; providing the method of imposing such duties and the manner of paying; providing for a saving clause, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Leonard asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 892.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Leonard:

H. B. No. 892, A bill to be entitled "An Act providing for the excluding of lands from water improvement districts and from water control and improvement districts where such land is not of such nature as to be subject to irrigation in a practicable manner, upon application of the owner of such land, by the Board of Directors of such district, with the consent of ninety-five (95%) per cent of the bondholders holding bonds payable from taxes levied within such district, and provided a like amount of irrigable land is added to such district upon the application of the owner thereof at the time of excluding land not subject to irrigation in a practicable manner, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

Mr. Dickison asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 893.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time,

and referred to the appropriate committee, as follows:

By Mr. Dickison:

H. B. No. 893, A bill to be entitled "An Act authorizing the Commissioners' Court of counties having a population of not less than two hundred and ninety thousand (290,000) inhabitants and not more than three hundred and twenty thousand (320,000), according to the last preceding Federal Census, to appoint a County Building Inspector and assistants, providing for the payment of salary to such appointees, providing for the issuance of building permits by such Inspector, and authorizing a charge therefor, exempting Federal, State, county, city governments and other political subdivisions thereof from the provisions of this Act, prescribing penalties for failure to secure permits, and declaring an emergency."

Referred to the Committee on Education.

RECESS

Mr. Goodman moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Thornton moved that the House recess until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Thornton prevailed, and the House, accordingly, at 5:15 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Criminal Jurisprudence: House Bill No. 872.

State Affairs: House Bill No. 420.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 49, A bill to be entitled "An Act amending Articles 3704,

3705, 3706, 3707, 3709, 3711 and 3738 of the Revised Civil Statutes of 1925; providing for the issuance of subpoenas in civil cases; providing for the style and form of such subpoenas; providing that all witnesses so summoned shall be required to attend court in obedience thereto, and that failing to so attend, any such witness may be fined by the Court as for a contempt of court, and an attachment may issue against the body of such witness to compel attendance; providing that any witness refusing to give evidence may be committed to jail, there to remain without bail until such witness shall consent to give evidence; providing for the taking of depositions of witnesses in civil suits, and that the failure to obtain the deposition of any witness, male or female, residing in the county in which the suit is pending, shall not be regarded as want of diligence where diligence has been used to secure the personal attendance of any such witness by the service of a subpoena or attachment, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 191, A bill to be entitled "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 249, A bill to be entitled "An Act concerning the liquidation, rehabilitation, reorganization or con-

servation of insurers doing business in more than one State, and placing same under the Board of Insurance Commissioners; providing for the appointment of a liquidator by the Board of Insurance Commissioners; defining certain words and phrases used in this Act; providing for the appointment of a liquidator of the Board as receiver for an insurer and outlining his duties as such receiver; providing for ancillary delinquency proceedings and providing method of filing claims of resident and non-resident claimants, outlining priority of various types of claims; defining powers of receivers and ancillary receivers, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 365, A bill to be entitled "An Act authorizing the Commissioners Court of any county having a population of not less than four thousand, six hundred and thirty-seven (4,637) and not more than four thousand, seven hundred (4,700) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Twenty-five (\$25.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 459, A bill to be entitled "An Act to amend Article 1965 of the Revised Civil Statutes as amended by Chapter 48, Acts, 1929, Forty-first Legislature, First Called Session, by providing the time for the County Judge to sign minutes of probate proceedings, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 541, A bill to be entitled
"An Act amending Article 6871, Title
120, Revised Civil Statutes, 1925, and
declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 546, A bill to be entitled
"An Act amending Chapter 57, Local
and Special Laws of the State of
Texas, passed at the Third Called
Session of the Thirty-sixth Legisla-
ture, by changing the name of Blythe
County Line Independent School Dis-
trict in Gaines, Terry and Yoakum
Counties to Seagraves Independent
School District; redefining the bound-
aries of said school district; provid-
ing that all outstanding bonded and
other indebtedness of Blythe County
Line Independent School District shall
be validated and made a valid obli-
gation against the Seagraves Inde-
pendent School District; providing
that title to all public free school
property of said Blythe County Line
Independent School District shall vest
in said Seagraves Independent School
District; providing that in all other
respects the rights, powers, duties and
obligations imposed upon Blythe
County Line Independent School Dis-
trict and its trustees shall not be af-
fected in any manner, and declaring
an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 559, A bill to be entitled
"An Act authorizing the Commission-
ers' Court in any county having a
population of not less than seventy-
four thousand (74,000) and not more
than seventy-six thousand (76,000),

according to the last preceding United
States Census and not less than
Forty-one Million (\$41,000,000.00)
Dollars and not more than Forty-five
Million (\$45,000,000.00) Dollars tax-
able valuation according to the last
available tax roll to allow each County
Commissioner in such counties cer-
tain expenses for traveling and in
connection with the use of his auto-
mobile on official business requiring
each such Commissioner to pay the
expenses of operation and repair of
each automobile used by him without
further expense to the county, and
declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 565, A bill to be entitled
"An Act to amend Section 3 of Chap-
ter 506 of the General Laws of the
State of Texas passed at the Regular
Session of the Forty-fifth Legislature
providing for parties and procedure in
tax suits; and providing for persons
owning property or an interest therein
whose names are unknown to be made
parties in such suits under designa-
tion of 'Unknown Owner or Owners'
of such property; providing for heirs
of deceased persons whose names are
unknown to be made parties to such
suits under designation of 'Unknown
Heirs' of such deceased person; pro-
viding for citation and service upon
defendants in such suits whose resi-
dence is known and upon absent and
non-resident defendants; and provid-
ing for notice to be given by publica-
tion or posting and prescribing the
form and manner of giving such no-
tice, in cases where defendants in
such suits are non-residents of the
State, and where the names of own-
ers are unknown to the attorney filing
the suit, and where defendants are
the heirs of deceased person and their
names are unknown; and providing
that citation or notice on behalf of
any taxing unit shall require all par-
ties to the suit to plead and answer
all pleadings then on file or there-
after filed by any party to the suit,
and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 566, A bill to be entitled "An Act authorizing persons residing in County Line School Districts and who are otherwise qualified voters to vote for County School Trustees of the County having management and control of such County Line School District, even though such voters reside in that portion of the County Line District lying outside of the county having management and control of the County Line District; repealing all laws and parts of laws in conflict herewith to the extent of such conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 587, A bill to be entitled "An Act providing the amount of traveling expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for expenditures for traveling expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 612, A bill to be entitled "An Act amending Article 600-A of Vernon's Revised Civil Statutes, such Article being the Acts of 1935, Forty-fourth Legislature, page 255, Chapter 100, by adding another Section to Article 600-A to be known as Section 33-A; providing that every sale or contract of sale of any security in violation of any provision of Chapter

100 of the General Laws of Texas, 1935, shall be voidable at the election of the purchaser; providing how the purchaser may recover at law; providing the time that such cause of action may be brought; providing an exception thereto when the purchase price is a royalty or a mineral interest in land and such security is unregistered or sold through an unregistered agent; providing the time when any existing cause of action not now barred may be brought, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 637, A bill to be entitled "An Act to amend paragraph (c), of Section 1, and paragraph (c), of Section 2, of Chapter 299, House Bill No. 759, Acts of the Regular Session of the Forty-fifth Legislature; defining the word 'trapper,' and providing fees for licenses to engage in the taking of fur-bearing animals, and in selling the pelts thereof; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 654, A bill to be entitled "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Nacogdoches County for a period of two years; providing certain exceptions; and providing a penalty therefor."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 656, A bill to be entitled "An Act to amend Articles 3334-

3334A, Title 54 of the Revised Civil Statutes of Texas, Revision 1925, as amended by adding a Section to be known as Article 3334B, validating the acts of Probate Courts in certain cases, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 666, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any pheasants, blue quail or bob white in Comanche County for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by pheasants, blue quail or bob whites; providing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 769, A bill to be entitled "An Act to amend Article 326 of the Penal Code of the State of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 785, A bill to be entitled "An Act amending Article 2232, Revised Civil Statutes of Texas, 1925."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 798, A bill to be entitled "An Act amending Article 1728 of the Revised Civil Statutes of Texas, 1925, with respect to appellate jurisdiction of the Supreme Court; regulating the form of the order of the Court in respect to the granting, refusing or dismissing the application for writ of error; repealing all laws and parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 813, A bill to be entitled "An Act making it unlawful to hunt, shoot or kill any deer for a period of five (5) years in Somervell County, Texas; fixing a penalty; repealing all laws or parts of laws in conflict herewith in so far as they apply to Somervell County, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 837, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856, as amended by the Acts of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 373, Chapter 264, page 651, of the Acts of the Regular Session of the Forty-fourth Legislature as amended by House Bill No. 893, Chapter 257, Acts of the Regular Session of the Forty-fifth Legislature to exempt from the provisions of said Act associations which are not operated for profit and which pay no commissions to anyone and whose operating expense does not exceed One Hundred (\$100.00) Dollars per month, and which limit their membership to employees and the families of employees of any designated firm, corporation,

or individual; making certain exemptions from the provisions of the Act and especially exempting hospitals located on the county line between counties where the hospital building is located in a city located on the county line between two counties and where said hospital serves the inhabitants of two (2) counties; providing that the exemption now applied in Section 6 shall apply to such hospitals; repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 844, A bill to be entitled "An Act to repeal House Bill No. 579, Acts of the Regular Session of the Forty-fourth Legislature, making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year; fixing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 853, A bill to be entitled "An Act providing for salary to be paid County Superintendent of Schools in certain counties, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 806, A bill to be entitled "An Act providing for and fixing compensation for County Auditor in certain counties, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 862, A bill to be entitled "An Act authorizing Precinct No. 4 in Lipscomb County, Texas, by vote of the people to determine whether or not they will authorize in said Precinct, the issuance of bonds and levying and collection of the tax not to exceed ten (10c) cents on the One Hundred (\$100.00) Dollar valuation on all property in said Precinct; providing interest on said bonds; providing tax to apply on real and personal property; providing for purchase of site within said Precinct; providing election authorizing construction of lake and recreational park, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 866, A bill to be entitled "An Act to provide for traveling expenses for members of the Commissioners Courts in certain counties, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 872, A bill to be entitled "An Act to enlarge the jurisdiction of the County Court of Marion County, Texas, in criminal cases to enable the County Judge of Marion County, Texas, to accept pleas of guilty in all cases of misdemeanor; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 863, A bill to be entitled "An Act making provisions in certain

independent school districts in this State, for an election to determine tax rate to be levied for payment of bonds and interests thereon; to determine tax rate for maintenance in such districts; providing for levy of such taxes; providing for aggregate amount of such levy; providing that when the bond tax exceeds the levy of fifty (50c) cents on the One Hundred (\$100.00) Dollar valuation, that the maintenance tax shall be reduced in an amount equal to the sum added to the bond tax; making this Act cumulative of all laws on the statute books in force as of this date, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 685, A bill to be entitled "An Act to amend Section 22, Acts, 1935, Forty-fourth Legislature, First Called Session, page 1660, Chapter 427, creating the Nueces River Conservation and Reclamation District, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 600, A bill to be entitled "An Act to amend Subsection 5 of Article 199, Revised Civil Statutes as amended by Chapter 143, Acts, 1937, Forty-fifth Legislature."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 868, A bill to be entitled "An Act validating the creation or attempted creation of all consolidated rural high school districts and all acts of the Board of Trustees of such dis-

tricts in ordering and holding elections, levying taxes, issuing bonds and all tax assessments and rolls of such districts and all bonds and all other actions by the Boards of Trustees in this connection, providing that this Act shall not apply to districts now involved in litigation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 768, A bill to be entitled "An Act regulating Bills of Exception in civil suits or actions; providing the basis of Bills of Exception, that it shall not be necessary for an objector to formally except to a ruling; that error may be based upon the ruling itself; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 812, A bill to be entitled "An Act providing the amount of traveling and office expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for the expenditures for traveling and office expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 560, A bill to be entitled "An Act amending Section 3, of Chapter 88, Acts of the Forty-first Legisla-

ture, Second Called Session, as amended by Section 1 of Chapter 3, Acts of the Forty-third Legislature, Second Called Session, as amended by Section 1 of Chapter 51, Acts of the Forty-fourth Legislature, Regular Session, so as to exempt motor vehicles, trailers and semi-trailers, owned and used exclusively in the service of any water district or water control and improvement district from the payment of license or registration fees to the State of Texas; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 16, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 653, A bill to be entitled "An Act to authorize any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any county contiguous to any county of such described class, which may have entered into an agreement with the United States to acquire and upon request convey to the United States land or interest in land desired by the United States in aid of navigation, irrigation, flood control or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, upon request of the United States to secure by gift, purchase or by condemnation, said land or interest therein, for ultimate conveyance to the United States and to pay for the same out of any special flood control fund or any available county funds; providing that title shall vest in the county upon the filing of a declaration of taking by the county and the deposit of the amount of the award with the County Clerk, together with costs, if any, and the right to just compensation shall vest in the persons entitled thereto; and provided further, that no appeal nor service of process by publication shall have the effect of suspending the vesting of title in said County, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 21, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 62, Recalling House Bill No. 379 from the Governor.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 21, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 63, Expressing sympathy to the family of J. J. Olsen.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 21, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 64, Naming Miss Eugenia Morse, official Duchess of the Legislature in the Court of King Cotton.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, March 21, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 185, "An Act validating elections heretofore held, authorizing the issuance of waterworks revenue bonds, and the bonds when issued, approved, and registered, under circumstances prescribed herein, in certain cities; providing that the provisions hereof shall not be applicable in instances wherein litigation exists or which may be brought into litigation within ninety (90) days after the effective date of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

March 21, 1939

House Bill No. 185.

In Memory of Honorable J. J. Olsen

Mr. Spencer offered the following resolution:

H. S. R. No. 176, In memory of the Honorable J. J. Olsen.

Whereas, On the 18th day of March, A. D., 1939, The Almighty, in His infinite wisdom, called home from our midst the Honorable J. J. Olsen; and

Whereas, Our late fellow Member held the esteem and the deep and sincere affection of his associates in the House of Representatives; and

Whereas, All of Texas sincerely bows its head in the spirit of respect for the great loss which each and every person who knew him, feels for this beloved veteran statesman, who gave many years of faithful public service to his State and thereby earned wholesome acclaim; and

Whereas, The Chief Executive of this State has eulogized Mr. Olsen as an outstanding statesman with religious convictions, conscientious and earnest in his endeavors to serve his constituency as a faithful servant in the public interest; and

Whereas, The Members of the Legislature, today, wish to offer an expression of deep regret and profound sorrow at the passing of our fellow Member, and it behooves us to survey the life of Mr. Olsen. Born at Gonzales, called the "Cradle of Texas Independence", on the birthday of American Independence, July 4th, 1872; educated in Gonzales public schools and high school; married Margaret Weigelt, November 27, 1895; his training in the business of government included service in "all city offices" of his home town, Hockheim, Texas; City Councilman, four years; Mayor, two years; Commissioner, four years; Chief of Fire Department, three years; State Representative having served in the Fortieth, Forty-first, Forty-second, Forty-fourth, and in the Forty-sixth Legislature. Mr. Olsen, although not a very vocal law maker, always took an active interest in behalf of various legislative matters. He knew the problems of the farmers and cattlemen and their needs, for he was a farmer-stockman himself for many years; and

Whereas, He has given to his surviving family a worthy heritage and left to his associates a career worthy of emulation; and

Whereas, The deep and sincere affection which the House of Representatives has for him leads us to join with the members of his family in the inexpressible sorrow caused by the passing of this beloved fellow Member; now, therefore, be it

Resolved by the House of Representatives, That we express to the members of his family our deep and heartfelt sympathy and consolation; and, be it further

Resolved, That the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution.

SPENCER.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry,

Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Reader of Erath, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

In Memory of Honorable J. J. Olsen

(Mr. Leonard in the Chair.)

Mr. Bell offered the following resolution:

H. C. R. No. 63, In memory of Hon. J. J. Olsen.

Whereas, On Saturday, March 18, Hon. J. J. Olsen of Lavaca County was called by his Maker from this vale of tears to the halls of eternal life; and

Whereas, Our distinguished departed colleague served his community, his State, the Nation that he loved; and

Whereas, He was ever a model and a loving husband, father and grandfather; and

Whereas, He was loyal to his friends and steadfast in his fight for the betterment of humanity; and

Whereas, He was deeply respected and loved by all those who knew him and with whom he came in contact and especially by his fellow Members of the House of Representatives; and

Whereas, His principles and philosophy may be summed up in his love for his God, for his family and for his Country; and

Whereas, Texas will miss him because of the great service that he has rendered; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of Texas deeply appreciates the qualities of his good life and greatly regrets his passing into another sphere; be it further

Resolved, That the Legislature of Texas express its sympathy and regret to his beloved widow, Mrs. J. J. Olsen of Yoakum, Texas, to his children, to his grandchildren and other relatives; be it further

Resolved, That the Chief Clerk of the House of Representatives be directed to send copies of this resolution to the members of the bereaved family; and, be it further

Resolved, That a copy of this resolution be spread upon the Journals of the House and of the Senate and that when the Senate and the House adjourn today they do so in respect to his memory.

BELL,

JOHNSON of Tarrant,

READER of Bexar.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Corbett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Harde-
man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Tarwater, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.